REMARKS

By this Amendment, claims 39-41 are cancelled, and claims 42-44 are added. Thus, claims 42-44 are active in the application. Reexamination and reconsideration of the application are respectfully requested.

On page 4 of the Office Action, claims 39-41 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Matsushita ("Software Secure Net Music", August 14, 2000 and "Matsushita Electric (Panasonic) and InterTrust to collaborate on Secure Music Distribution", January 10, 2001) in view of Ginter et al. (U.S. 5,910,987).

This rejection is believed to be moot in view of the cancellation of claims 39-41. Furthermore, the Applicants respectfully submit that this rejection is inapplicable to new claims 42-44 for the following reasons.

The present invention, as recited in new claim 42, provides a content distribution management system for circulating a content via a network. The content distribution management system of the present invention comprises a first communication terminal device, a second communication terminal device, and a distribution management device.

The first communication terminal device includes a content obtaining unit operable to specify a desired content by searching in the network, and determine whether or not a communication terminal device which owns the desired content is the second communication terminal device. Furthermore, the first communication terminal device includes a first communication unit operable to (i) send distribution request information to the second communication terminal device when the content obtaining unit determines that the communication terminal device which owns the desired content is the second communication terminal device, and receive the desired content from the second communication terminal device. New claim 42 defines that the distribution request information indicates a request for distribution of the desired content. The first communication unit of the first communication terminal device is also operable to (ii) send purchase request information to the distribution management device, and receive copyright-related information from the distribution management device, where the purchase request information indicates an intention to purchase the desired content received from the second communication terminal device, and the copyright-related information allows a use of the desired content.

The second communication terminal device includes a second communication unit operable to (i) send the desired content indicated in the distribution request information to the first communication terminal device, when receiving the distribution request information from the first communication terminal device, and (ii) receive an intermediary fee notice from the distribution management device when the desired content sent to the first communication terminal device has not been purchased, where the intermediary fee notice indicates a payment of an intermediary fee.

The distribution management device includes a distribution management communication unit operable to send the copyright-related information to the first communication terminal device when receiving the purchase request information from the first communication terminal device, where the copyright-related information allows a use of the desired content to be purchased which is indicated in the purchase request information. The distribution management device also includes a charging management unit operable to determine whether or not the desired content to be purchased has been purchased, and determine, based on the purchase request information, whether or not the communication terminal device to which the intermediary fee should be paid is the second communication terminal device, when determining that the content has not been purchased.

Furthermore, as recited in new claim 42, the present invention provides that when the charging management unit determines that the communication terminal device to which the intermediary fee should be paid is the second communication terminal device, the distribution management communication unit is operable to send the intermediary fee notice to the second communication terminal device.

Accordingly, the content distribution system of the present invention is a system in which the sale of contents can be promoted via intermediaries while preventing copyright infringements of the contents due to the illegal distribution of the contents. Furthermore, the content distribution system of the present invention excludes illegal intermediaries from the system and thus realizes a highly reliable system of copyright management. These remarkable advantages of the present invention are achieved by the content distribution system of new claim 42.

In particular, as recited in new claim 42, the present invention provides that the

content obtaining unit of the first communication terminal device is operable to determine whether or not a communication terminal device which owns the desired content is the second communication terminal device. The first communication unit of the first communication terminal device is operable to send distribution request information to the second communication terminal device when the content obtaining unit determines that the communication terminal device which owns the desired content is the second communication terminal device, and receive the desired content from the second communication terminal device. Furthermore, the first communication unit of the first communication terminal is also operable to send purchase request information to the distribution management device, and receive copyright-related information from the distribution management device.

The second communication unit of the second communication terminal device is operable to send the desired content to the first communication terminal device and receive an intermediary fee notice from the distribution management device when the desired content sent to the first communication terminal device has not been purchased, where the intermediary fee notice indicates a payment of an intermediary fee.

Furthermore, the charging management unit of the distribution management device is operable to determine whether or not the desired content to be purchased has been purchased, and determine, based on the purchase request information, whether or not the communication terminal device to which the intermediary fee should be paid is the second communication terminal device, when determining that the content has not been purchased.

Moreover, new claim 42 recites that when the charging management unit determines that the communication terminal device to which the intermediary fee should be paid is the second communication terminal device, the distribution management communication unit is operable to send the intermediary fee notice to the second communication terminal device.

These features of the present invention are not disclosed or suggested by either Matsushita or Ginter et al. for the following reasons.

The Matsushita articles disclose that Panansonic and InterTrust have co-developed software for securely distributing music over the Internet through InterTrust's

peer-to-peer distribution system, where music (contents) packaged in InterTrust's Secure Containers can be securely trasferred to Panasonic's Secure Digial (SD) audio format Memory Card devices.

Ginter et al. discloses InterTrust's secure content distribution system which permits users to acquire the usage rights to a content, download the content from a content provider, and then transfer the acquired content "to other end-user parties without requiring the direct participation of a content provider to register and/or otherwise initialize the content for use [by the other end-user parties]" (see Column 24, lines 25-30). That is, Ginter et al. discloses a virtual distribution environment (VDE) which allows a first user to obtain and purchase a particular content from a distribution source together with the copyright information of the content, and if that user is permitted to share the content based on the copyright information and usage rights, pass the obtained content to a second user.

Ginter et al. thus discloses a peer-to-peer distribution system in which the first user obtains the content and usage rights of the content, and then passes the content and usage rights to a second user. In other words, Ginter et al. merely discloses a system in which the first user receives, purchases and obtains usage rights of a particular content and then may act as a re-distributor of the obtained content and usage rights thereof to the second user.

However, the combination of Matsushita and Ginter et al. do not disclose or suggest a first communication terminal device determining whether or not a communication terminal device which owns the desired content is the second communication terminal device, sending distribution request information to the second communication terminal device when the content obtaining unit determines that the communication terminal device which owns the desired content is the second communication terminal device, receiving the desired content from the second communication terminal device, sending purchase request information to the distribution management device, and receiving copyright-related information from the distribution management device, as recited in new claim 42.

In addition, the combination of Matsushita and Ginter et al. do not disclose, suggest or even contemplate sending the desired content to the first communication

terminal device from the second communication terminal device and receiving an intermediary fee notice from the distribution management device when the desired content sent to the first communication terminal device has not been purchased, where the intermediary fee notice indicates a payment of an intermediary fee, as recited in new claim 42.

Furthermore, the combination of Matsushita and Ginter et al. do not disclose, suggest or even contemplate a charging management unit of a distribution management device that determines whether or not the desired content to be purchased has been purchased, and determines, based on the purchase request information, whether or not the communication terminal device to which the intermediary fee should be paid is the second communication terminal device, when determining that the content has not been purchased, as recited in new claim 42.

Moreover, the combination of Matsushita and Ginter et al. do not disclose, suggest or even contemplate that a distribution management communication unit that send the intermediary fee notice to the second communication terminal device when the charging management unit determines that the communication terminal device to which the intermediary fee should be paid is the second communication terminal device, as recited in new claim 42.

Accordingly, for at least the foregoing reasons, the Matsushita articles and Ginter et al., either individually or in combination, clearly do not disclose or suggest each and every limitation recited in new claim 42.

Therefore, no obvious combination of Matsushita and Ginter et al. would result in the invention of new claim 42 since Matsushita and Ginter et al., either individually or in combination, disclose or suggest each and every limitation of new claim 42.

Furthermore, because of the clear distinctions discussed above, the Applicants respectfully submit that one skilled in the art would not have been motivated to modify Matsushita and Ginter et al. in such a manner as to result in, or otherwise render obvious, the present invention as recited in new claim 42.

Therefore, it is submitted that the new claim 42, as well as new claims 43-44 which depend therefrom, are clearly allowable over the prior art as applied by the Examiner.

In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is clearly in condition for allowance. An early notice thereof is respectfully solicited.

If, after reviewing this Amendment, the Examiner feels there are any issues remaining which must be resolved before the application can be passed to issue, the Examiner is respectfully requested to contact the undersigned by telephone in order to resolve such issues.

Respectfully submitted,

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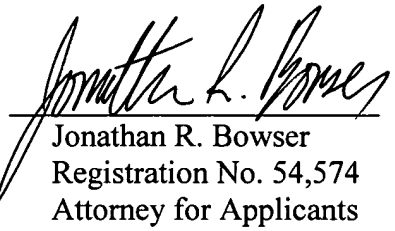
By: 

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April 27, 2006